

REMARKS

Claims 1-17 remain pending in the patent application. Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested.

Claims 11-13 and 16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed.

The Office Action alleges that the fluid processing of an area that “does not include the target portion” is unclear in view of page 2, line 23 to page 3, line 7 of the specification. The cited portion discloses that the fluid processing cell provided on the substrate table enables processes to be carried out on the substrate, before, during, and after an exposure without removing the substrate from the apparatus. However, claim 11, for example, recites a subset of such processes. It recites processing an area of a substrate by exposing it to a fluid that interacts therewith to effect a process, wherein the area of the substrate does not include a target portion and projecting a patterned beam of radiation onto the target portion and the processing are carried out at least partially simultaneously. Therefore, Applicant submits the disclosure and the claims are not inconsistent. The target portion may be fluid processed before or after exposure but, in the case of claim 11, only in addition to the claimed at least partially simultaneous fluid processing and exposure where such fluid processing is of an area not including the target portion and the exposure is of the target portion.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 11-13 and 16 under §112, second paragraph.

Claims 11-13 and 16 were rejected under 35 U.S.C. §103(a) based on U.S. Patent Application Publication No. US 2002/0041420 to Garner (“Garner”) in view of U.S. Patent No. 6,375,903 to Cerrina et al. (“Cerrina”). The rejection is respectfully traversed.

Regarding claim 11, Applicant submits that the cited portions of Garner do not disclose, teach, or suggest a device manufacturing method comprising, *inter alia*, processing an area of a substrate by exposing it to a fluid that interacts therewith to effect a process, wherein the area of the substrate does not include a target portion and projecting a patterned beam of radiation onto the target portion and processing are carried out at least partially simultaneously. The cited portions of Garner merely disclose providing a photoactivatable fluid to a substrate that only reacts upon being exposed by radiation. Thus, the cited portions of Garner do not disclose, teach, or suggest exposing an area of a substrate to a fluid that interacts therewith,

wherein the area does not include the target portion of the projected radiation. The fluid of Garner is catalyzed by the radiation and does not interact unless it is at a "site or sites where light strikes the substrate" (page 4, paragraph [0034]). Further, as acknowledged in the Office Action, the cited portions of Garner fail to disclose, teach or suggest fluid processing and projecting a patterned radiation beam at least partially simultaneously, let alone projecting the patterned radiation beam onto a target portion and fluid processing an area that does not include the target portion.

The cited portions of Cerrina do not cure the deficiencies of claim 11. Assuming *arguendo* that Garner and Cerrina are properly combinable (which Applicant does not concede), Applicant disagrees that the cited portions of Cerrina disclose projecting radiation and fluid processing at least partially simultaneously as alleged in the Office Action. The cited portion of Cerrina provides that "[l]ight is applied by the projection system 11, deprotecting the OH groups on the substrate and making them available for binding to the bases. After development, the appropriate nucleotide base is flowed onto the active surface of the substrate and binds to the selected sites using normal phosphoramidite DNA synthesis chemistry." [emphasis added]. Clearly, that cited portion of Cerrina does not disclose, teach or suggest fluid processing and projecting a patterned radiation beam at least partially simultaneously, let alone projecting the patterned radiation beam onto a target portion and fluid processing an area that does not include the target portion. It merely disclose exposure and subsequent fluid processing. Further, the cited portions of Cerrina fail to disclose, teach, or suggest exposing an area of a substrate to a fluid that interacts therewith, wherein the area does not include the target portion of the projected radiation. As can be clearly seen in Figures 1 and 8, the system of Cerrina necessarily exposes an area of the substrate to fluid that includes the target portion of projected radiation. As a result, Applicant respectfully submits that claim 11 is patentable over Garner and Cerrina.

Claims 12 and 13 are patentable over the combination of Garner in view of Cerrina by virtue of their dependency from claim 11, and for the additional features recited therein.

For similar reasons as discussed above with respect to claim 11, the cited portions of Garner do not disclose, teach or suggest claim 16. For example, the cited portions of Garner in view of the cited portions of Cerrina fail to disclose, teach or suggest a device manufacturing method, comprising, *inter alia*, processing an area of a substrate by exposing it to a fluid that interacts therewith, the area of the substrate not including a target portion, wherein projecting a patterned beam of radiation onto the target portion and the processing are carried out at least partially simultaneously. As a result, claim 16 is patentable over Garner and Cerrina.

Accordingly, reconsideration and withdrawal of the rejection of claims 11-13 and 16 under 35 U.S.C. § 103(a) based on Garner in view of Cerrina are respectfully requested.

Applicant has addressed all the rejections and respectfully submits that the application is in condition for allowance. A notice to that effect is earnestly solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

JEAN-PAUL G. HOFFMAN
Reg. No. 42663
Tel. No. 703.770.7794
Fax No. 703.770.7901

JPH
P.O. Box 10500
McLean, VA 22102
(703) 770.7900